

AGENDA ITEM: 4

CASE NUMBER: BOA 21-122 (City) **B.O.A. MEETING:** January 26, 2022

LOCATION: Northeast corner of A.W. Willis and Third Street

OWNER/APPLICANT: ALSAC

REPRESENTATIVE: Jennifer Peregoy

REQUEST: Use variance from Section 7.3.11 to allow a parking garage and bulk variances from Sections 7.3.6 and 7.3.7 related to the setbacks and height of the garage

AREA: +/-3.25 Acres

EXISTING ZONING: High Density Residential (HDR) and Mixed Use (MU)

CONCLUSIONS

1. The applicant is seeking relief from Section 7.3.11 to allow a parking garage and bulk variances from Sections 7.3.6 and 7.3.7 related to the setbacks and height of the garage
2. The presence of the Gayoso Bayou makes the development of this property under the current zoning difficult and qualifies as an undue hardship.
3. Staff believes that the hardships created by the Bayou leave this property with very little development opportunities and as such, qualifies as a lot where a parking garage would be an appropriate use.
4. In staff's opinion, the granting of this variance will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Code, nor will it be injurious to the neighborhood or the general welfare, and it will be harmony with the purpose and intent of the development code.

REQUIRED FINDINGS

Pursuant to Section 9.22.6 of the Unified Development Code, this site exhibits the following extraordinary feature(s): The site has an existing drainage channel and flood control area with significant grade change. This imparts upon the owner the following hardship or practical difficulty under the strict adherence to the Code: Section 7.3.11, Section 7.3.6, and Section 7.3.7. See further analysis on pages 18-23 of this report.

CONSISTENCY WITH MEMPHIS 3.0

This proposal is **consistent** with the Memphis 3.0 General Plan per the land use decision criteria. It is important to note, however, that Sec. 13-4-202(b)(2)(C)(iii) of the Tennessee Code Annotated states that variance requests may be inconsistent with a community's long range general plan. See further analysis on pages 19-21 of this report.

RECOMMENDATION:

Approval with conditions

GENERAL INFORMATION

Street Frontage:	North Fourth Street	+/-347.80 linear feet
	A.W. Willis Avenue	+/-342.80 linear feet
	North Third Street	+/-330.30 linear feet
Zoning Atlas Page:	1930	
Parcel ID:	001039 00002, 001039 00004, 001039 00005, 001067 00001, 001039 00003, 001039 00001, 001070 00010, 001070 00011	
Existing Zoning:	High Density Residential (HDR) and Mixed Use (MU)	

PUBLIC NOTICE

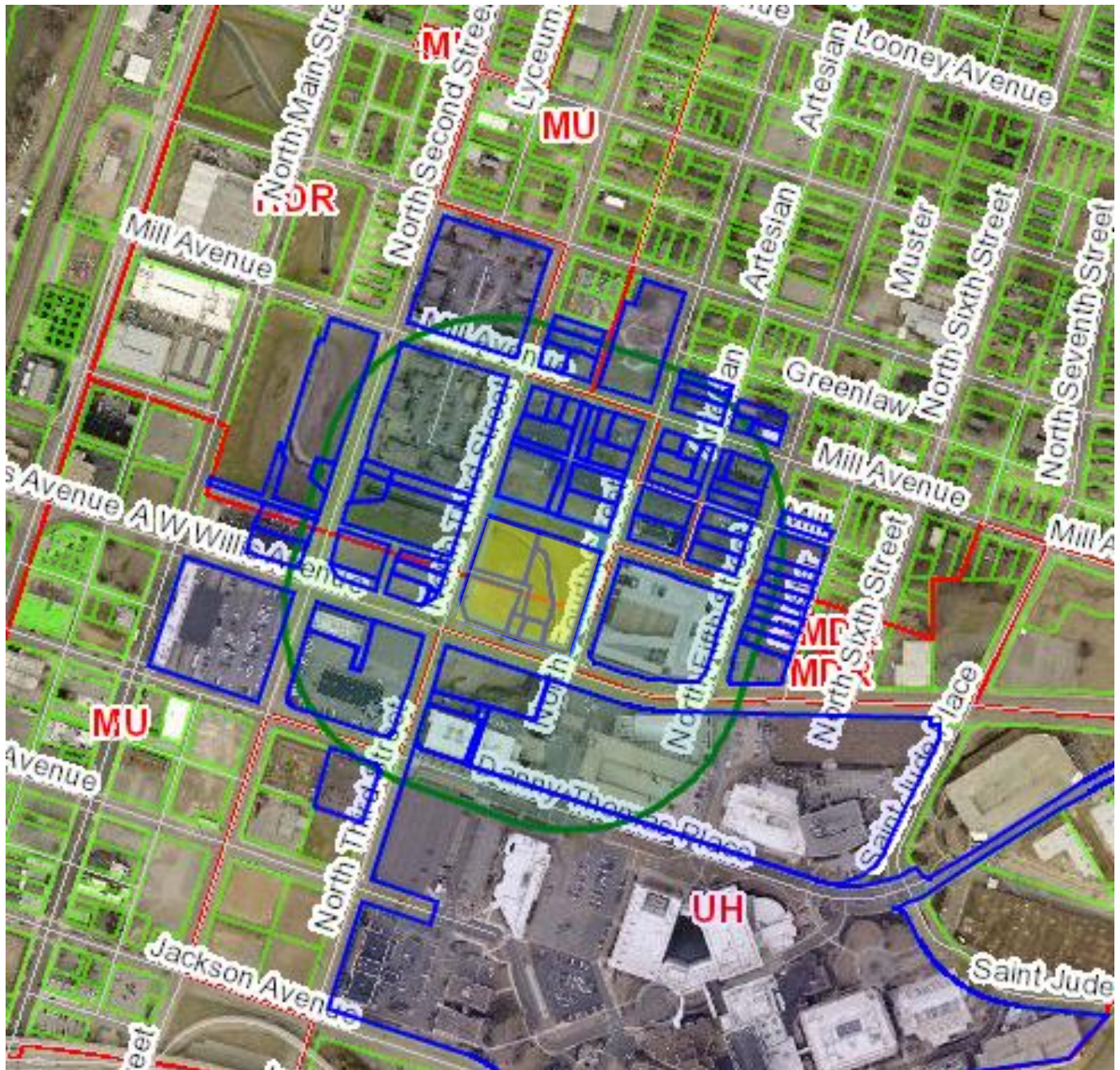
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed. A total of 60 notices were mailed on October 13, 2021.

LOCATION MAP



Subject property located within the pink circle, Uptown neighborhood

VICINITY MAP



Subject property highlighted in yellow

AERIAL



Subject property outlined in yellow

ZONING MAP



Subject property highlighted in yellow

Existing Zoning: High Density Residential – (HDR) and Mixed Use - (MU)

Surrounding Zoning

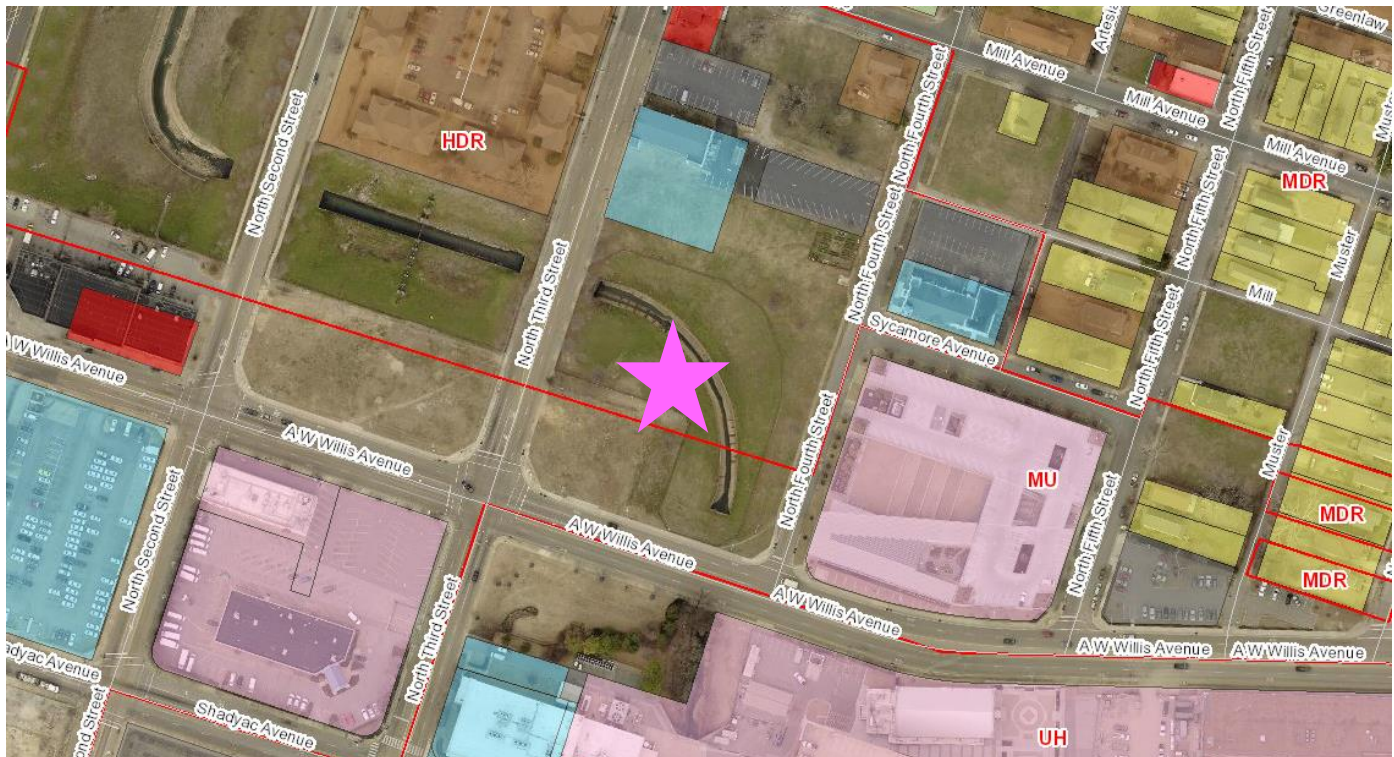
North: HDR

East: HDR, MU, and MDR










South: HDR and UH

West: HDR and MU

LAND USE MAP



LandUse

	SINGLE-FAMILY		OFFICE
	MULTI-FAMILY		INDUSTRIAL
	INSTITUTIONAL		PARKING
	COMMERCIAL		VACANT
	RECREATIONAL / OPEN SPACE		

Subject property indicated by a pink star

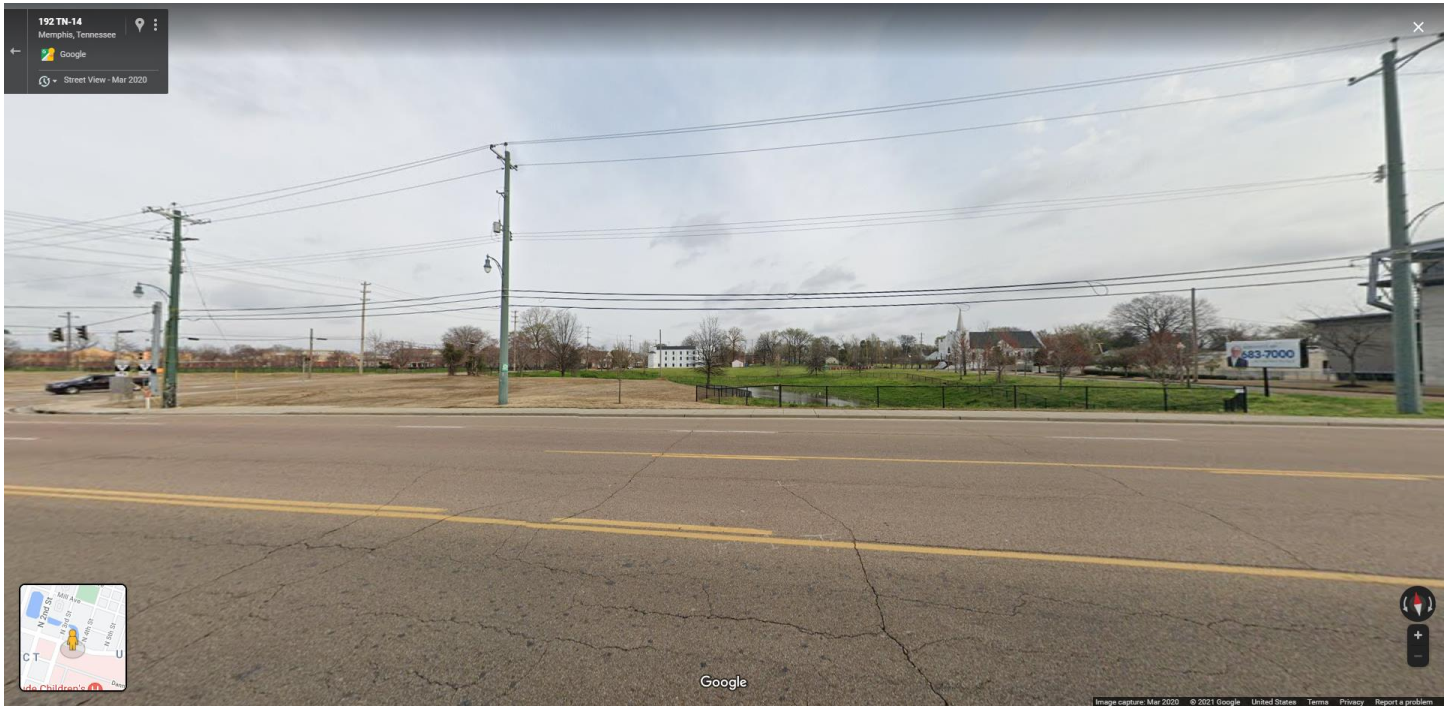
SITE PHOTOS



View of subject property from the corner of North 4th Street and A.W. Willis facing northwest



View of subject property from intersection of North 4th and Sycamore Avenue facing west



View of subject property A.W. Willis facing north



View of subject property from the corner of North 3rd Avenue and A.W. Willis facing east

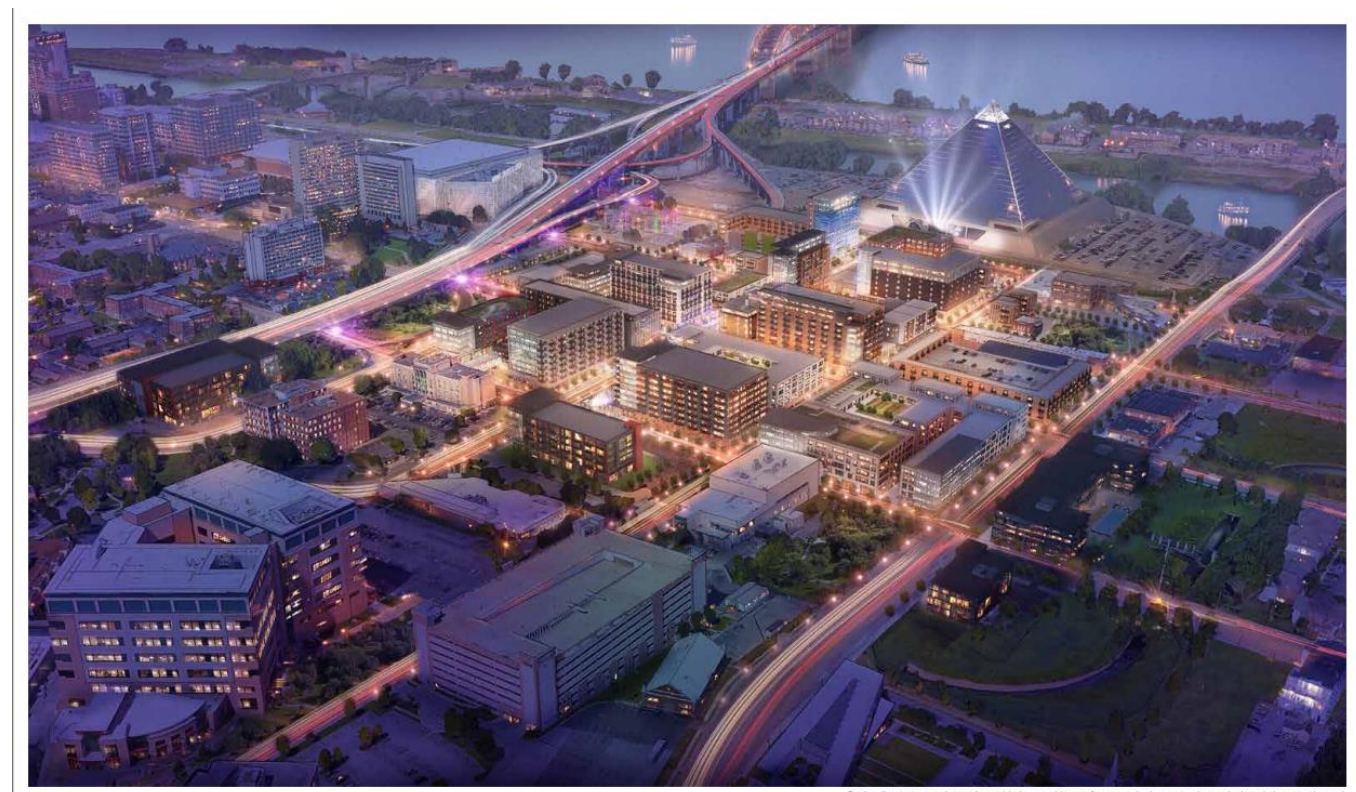
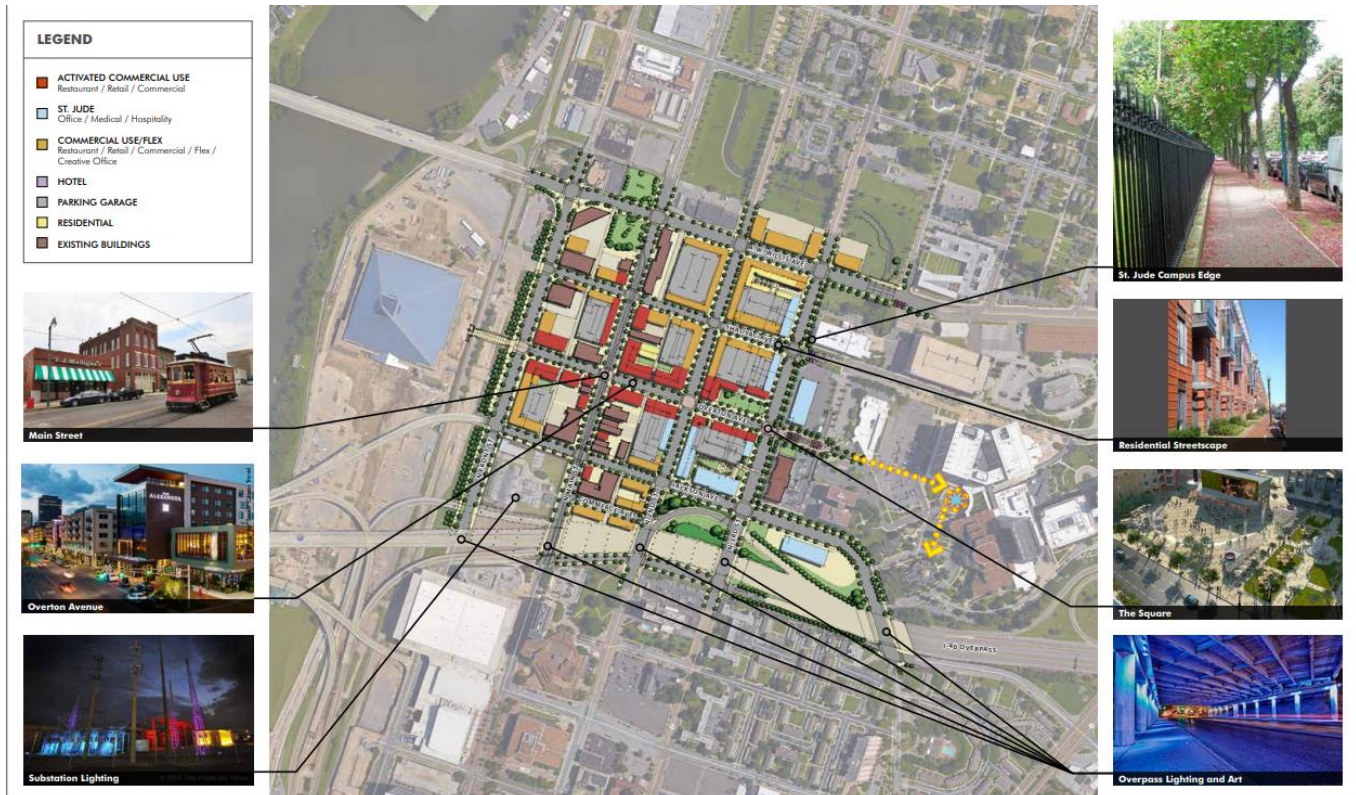


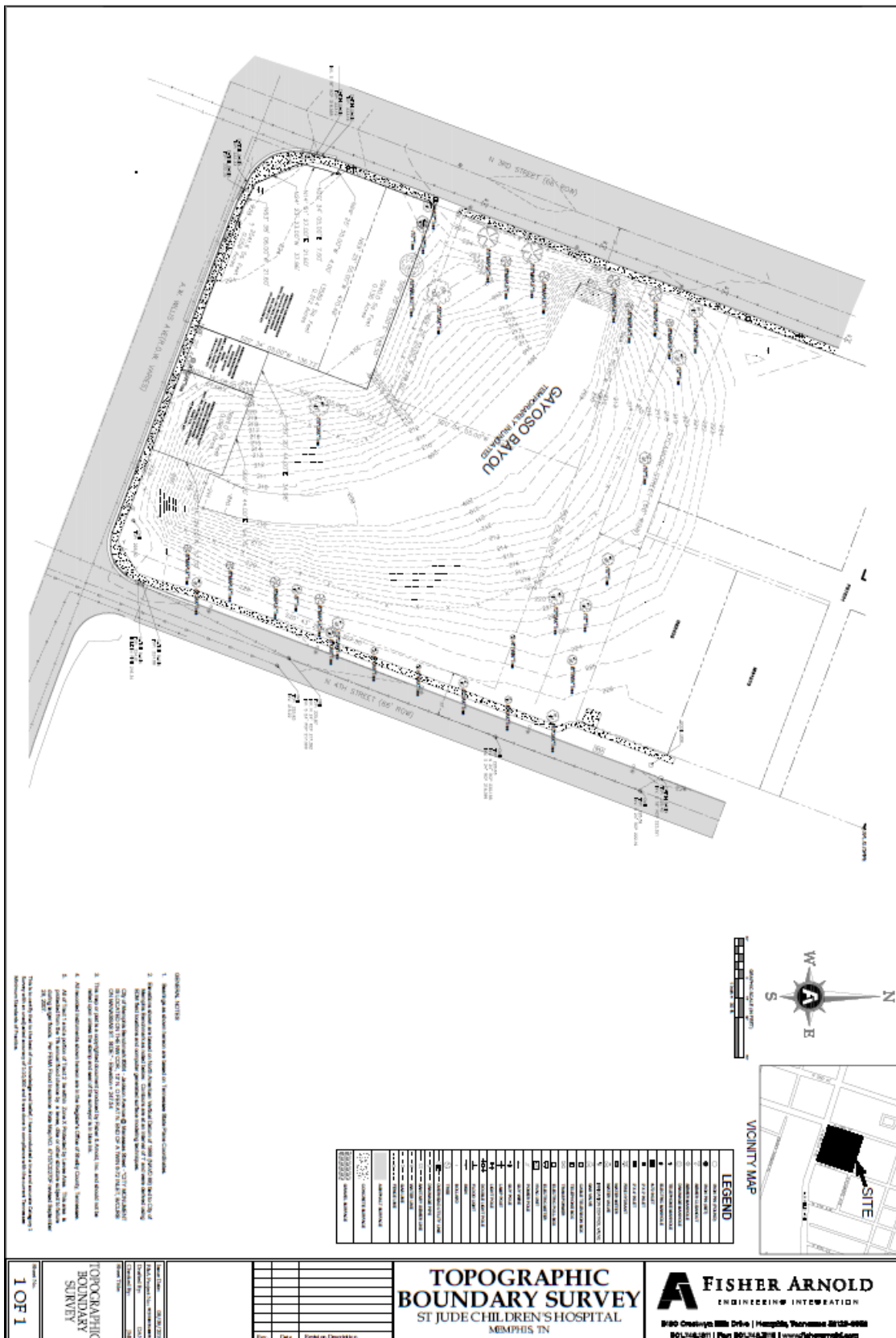
View of the subject property from North 3rd Street facing southeast

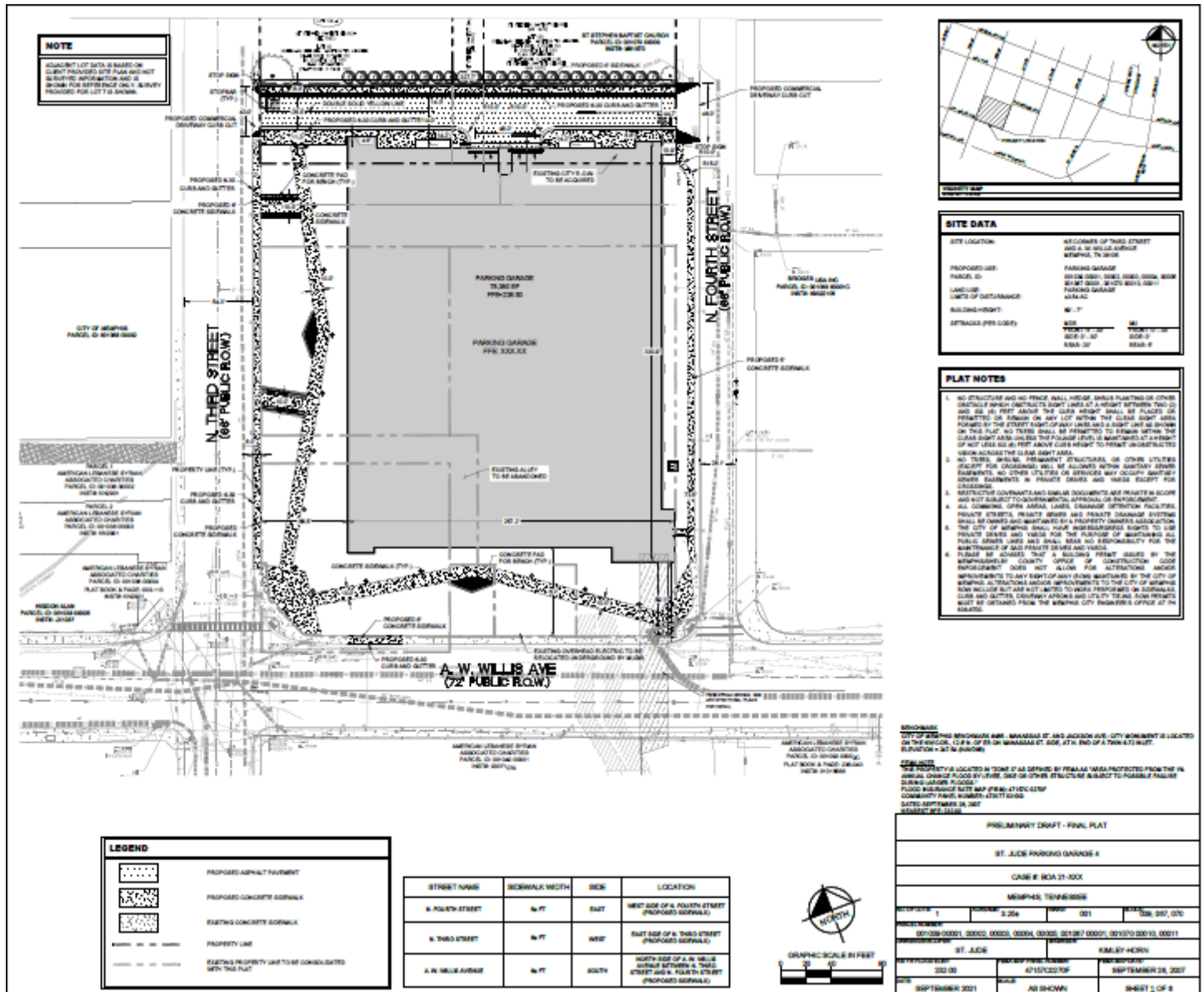


View of the subject property from A.W. Willis facing northeast

PINCH DISTRICT VISION STUDY RENDERINGS

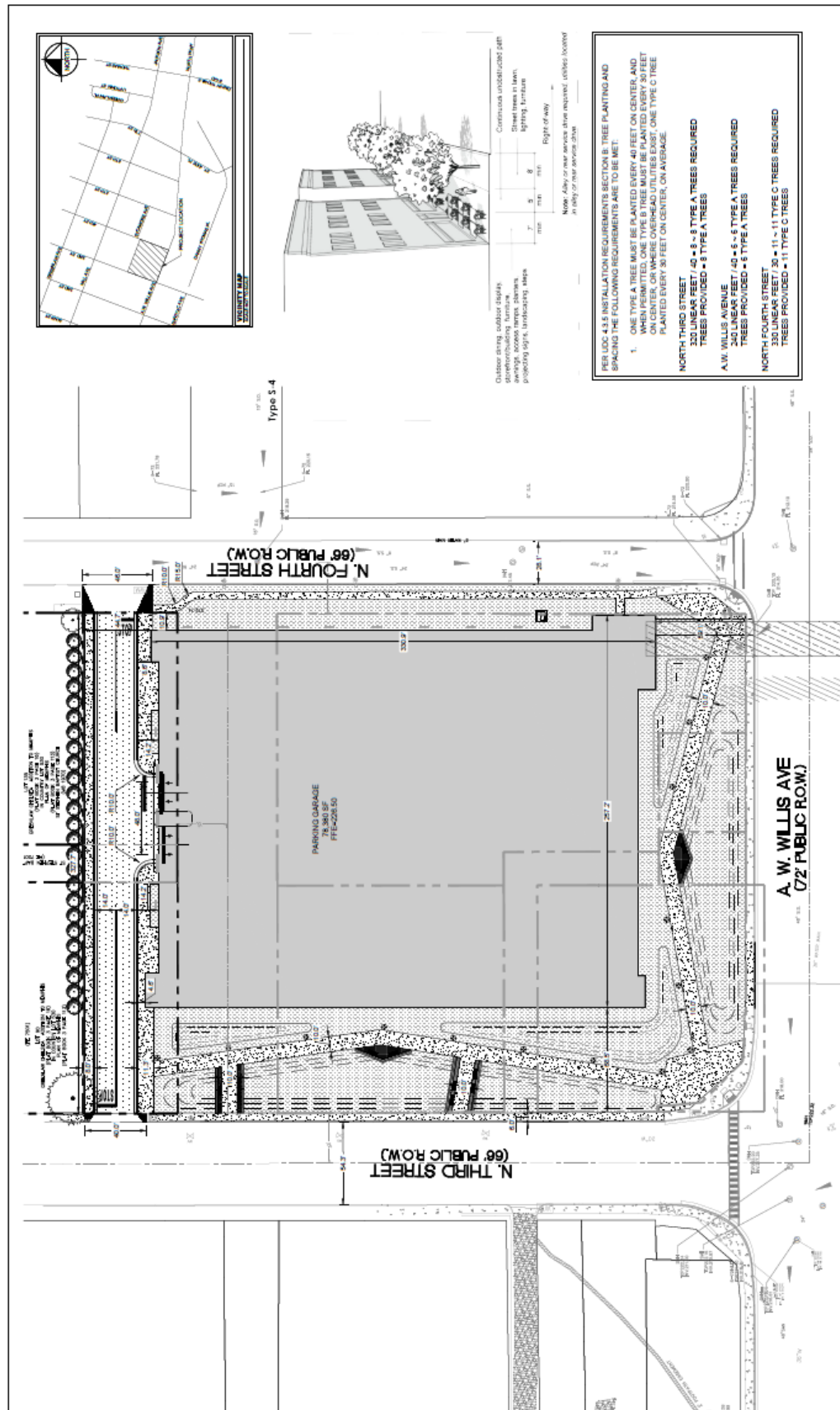




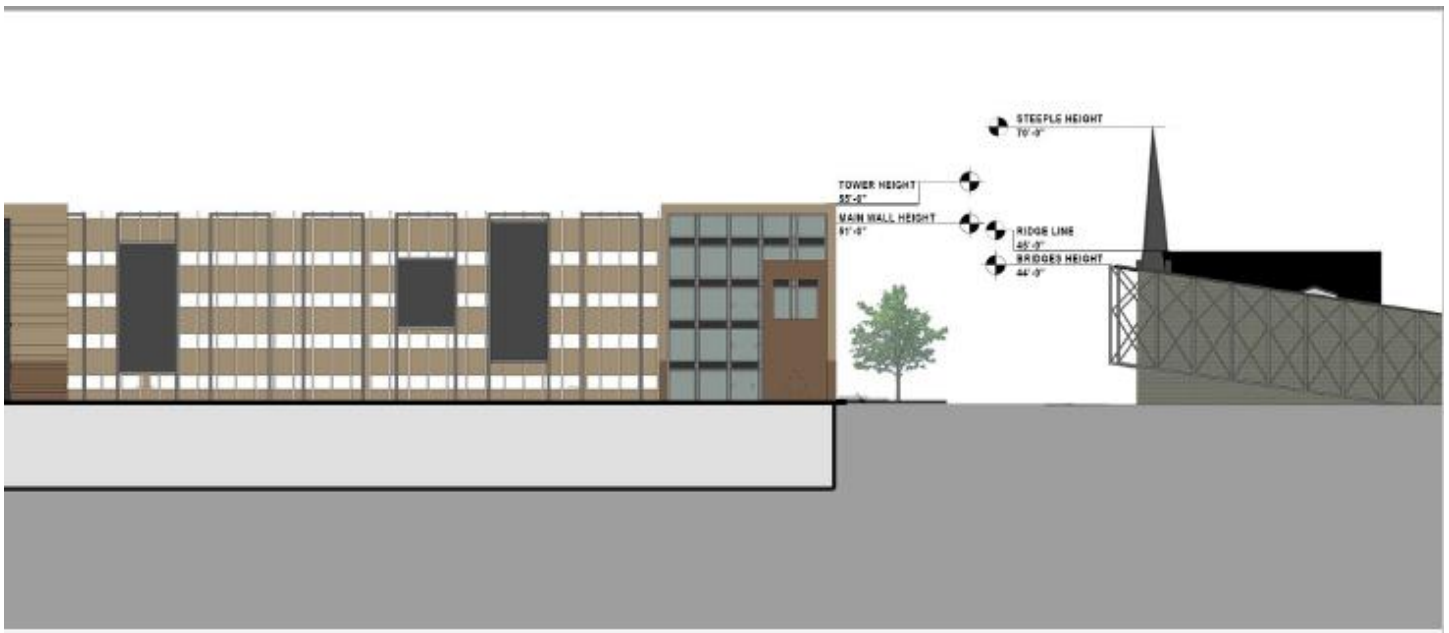


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LANDSCAPE PLAN



ELEVATIONS

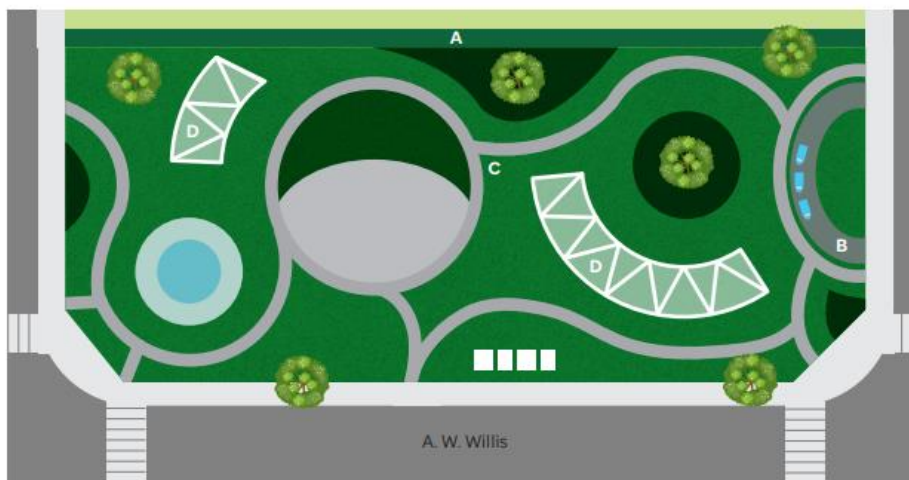




PROPOSED ADJACENT PARK SPACE

Concept: Pedestrian Friendly Open Space

Walking paths, bold landscaping and plenty of space gives space for neighbors to exercise, relax or enjoy lunch from a food truck.



- A: Living fence
- B: Food truck driveway
- C: Walking path
- D: Exercise space

STAFF ANALYSIS

Request and Justification

The application, response to the variance criteria, and letter of intent have been added to this report.

The request is a use variance from Section 7.3.11 to allow a parking garage and bulk variances from Sections 7.3.6 and 7.3.7 related to the setbacks and height of the garage

Variance Criteria

Staff agrees the variance criteria as set out in Sub-Section 9.22.6A and Section 9.22.6 of the Unified Development Code are met; see pages 26-33 of this report for the responses provided by the applicant.

9.22.6 Findings of Fact

The Board of Adjustment must make specific written findings of fact on each variance request. In granting any variance, the Board of Adjustment shall make the following findings:

A. Bulk and Other Non-Use Variances

- (1) Unusual characteristics of the property. The property is unusual in that it exhibits at least one of the following exceptional physical features as compared to other properties located in the same zoning district: exceptional topographic conditions, exceptional narrowness, exceptional shallowness, exceptional shape or any other extraordinary and exceptional situation or condition;*
- (2) Practical difficulties or undue hardship. By reason of the unusual characteristics found to apply in Paragraph 1, the strict application of any regulation found in this Code would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property;*
- (3) The unusual characteristic found to apply in Paragraph 1 is not the result from any deliberate action by the owner;*
- (4) That a variance from the strict application of this Code may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of an adopted plan and this Code;*
- (5) The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare;*
- (6) The variance is not granted simply because by granting the variance, the property could be utilized more profitably or that the applicant would save money.*

B. Use Variances

- (1) In addition to the findings established for other variances in Subsection A, the Board of Adjustment shall also find that none of the uses permitted on the property are practical due to either the unusual characteristic found to apply in Subsection A, Paragraph 1, or to any physical improvements made upon the property.*

Site Description

The subject site comprised of multiple parcels that add up to 3.25 acres total, with 184 A.W. Willis Avenue and 472 North Third Street being the two parcels on the site that have addresses. All the parcels that make up the site have been vacant since the demolition of a convince store on the Southwestern corner in 2016. Additionally, this lot has three street frontages.

A convenience store was built on the corner northeast of A.W. Willis and North Third Street in the 1950s. After an upgrade to the site failed City Council approval in 2015, the building was demolished and the property has been vacant since 2016.

Staff uses the following criteria contained in Memphis 3.0 to determine consistency.

Red polygons indicate the application sites on the Future Land Use Map.

Applies to the following parcels: 184 AW Willis, 0 Auction, 0 N 4th (Parcel 001067 00001), 0 AW Willis (001039 00005), 0 AW Willis (Parcel 001039 00004)

Urban Center anchors are characterized by attached buildings that continue for multiple blocks along a street. An Urban Center includes a vertical mix of uses, featuring civic and cultural institutions that serve many neighborhoods or the entire city and which may anchor the center. An Urban Center is a destination for walkable retail, service, and leisure, but accessible from across the city by multiple modes of transportation. Green space may be interspersed to provide community common space.



Support organization of services, amenities, opportunities, and housing choices in direct relationship to anchor neighborhoods, focusing investment toward areas that support plan goals and objectives.

19

Buildings primarily attached that are block-scale with a mix of uses, 1-12 stories height with several blocks of extent.

Applies to the following parcels: 472 N. 3rd, 0 N 4th (Parcel 001070 00010), 508 N 3rd

Urban Anchor Neighborhoods are destinations for public and private amenities that are within walking distance to a Citywide Anchor. Most buildings are between three and seven stories with an occasional high rise and are a mixture of attached and unattached. The scale of buildings is largely at the block level with some multiplex footprints, making an Anchor Neighborhood - Urban a diverse living and shopping community surrounding a local anchor. Green space may be interspersed to provide community common space.



“AN-U” Goals/Objectives:

Support continued reinvestment and intensification of areas within walking distance to urban core and medical and educational anchors to support those anchors.

“AN-U” Form & Location Characteristics:

Buildings attached, semi-detached, and detached Primarily block-scale with some house-scale Residential, commercial, or mix of uses 1-8 stories height (and potential occasional high-rise). Primarily within 1/4 mile of a Citywide Anchor.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Commercial, Medical, Vacant Land, & Residential. The subject site is surrounded by the following zoning districts: UH, HDR, MU, HDR

This requested use is compatible with the adjacent land use because *existing land use surrounding the parcels is similar in nature to the requested use.*

4. Degree of Change Map



Red polygon denotes the proposed sites in Degree of Change area. There is an Accelerate Degree of Change.

5. Degree of Change Description

Accelerate areas rely on a mix of primarily private and philanthropic resources along with some public resources to intensify the existing pattern of a place.

Actions for Accelerate anchors and anchor neighborhoods are meant to:

- Improve public realm and infrastructure
- Improve multi-modal transportation options
- Speed up development activity
- Increase density
- Increase mix of uses
- Promote and protect affordable housing

Ways to Accelerate:

- Increase building height
- Allow greater mix of uses
- Attract retail and service uses that cater to larger-scale markets
- Reduce building setbacks or establish build-to lines
- Construct new streets or pathways to increase connectivity within large sites
- Consolidate smaller lots into larger parcels that are more attractive for development
- Consider tax increment financing (TIF) districts
- Improve or create parks and civic assets
- Promote pedestrian-oriented infill development
- Reduce surface parking in favor of structured parking and parking demand management options

6. Consistency Analysis

The applicant is requesting to construct a seven-story parking garage, a linear pocket park, and intersection improvements at AW Willis and Third.

The request meets the criteria in the form of scale and height. While it does not meet the criteria in use, the parking garage is adjacent to a Citywide Anchor – St. Jude. The construction of the garage will reduce the current surface parking for the Citywide Anchor and the addition of the park will add a valuable community neighborhood space. Therefore, the request is consistent.

Based on the information provided, the proposal IS CONSISTENT with the Memphis 3.0 Comprehensive Plan.
Summary Compiled by: Melanie Batke, Comprehensive Planning.

Conclusions

The applicant is seeking relief from Section 7.3.11 to allow a parking garage and bulk variances from Sections 7.3.6 and 7.3.7 related to the setbacks and height of the garage

The presence of the Gayoso Bayou makes the development of this property under the current zoning difficult and qualifies as an undue hardship.

Staff believes that the hardships created by the Bayou leave this property with very little development opportunities and as such, qualifies as a lot where a parking garage would be an appropriate use.

In staff's opinion, the granting of this variance will not cause substantial detriment to the public good, nor will it substantially impair the intent and purpose of an adopted plan or the Code, nor will it be injurious to the neighborhood or the general welfare, and it will be harmony with the purpose and intent of the development code.

RECOMMENDATION

Staff recommends approval with conditions.

Conditions

1. A minimum of 600 Square feet of first floor commercial space shall be provided as part of this development.
2. As part of the development of the parking garage, open park space will be developed on the parcel immediately to the west across North Third Street.
3. Any change or deviation from the site plan or elevations upon the determination of the Zoning Administrator shall be submitted to the Board of Adjustment for review and approval or administrative review and approval by the Division of Planning and Development.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City/County Engineer:

BOA 21-122: UPTOWN: Use variance from Section 7.3.11 to allow a parking garage and bulk variances from Sections 7.3.6 and 7.3.7 related to the setbacks and height of the garage on the north side of A.W. Willis between Third and Fourth Streets. Staff Planner: Seth.Thomas@memphistn.gov

- UDC Section 4.2.1 Required Sidewalk Repair: Existing sidewalk to be inspected for ADA compliance and rebuilt as necessary
- Driveway must be constructed to commercial standards and located a minimum of 5 ft off the property line

City/County Fire Division:

Case Number: BOA 21 133

Date Reviewed: 10/21/21

Reviewed by: J. Stinson

Address or Site Reference: Hollywood/Milton

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

City Real Estate: No comments received.

City/County Health Department: No comments received.

Shelby County Schools: No comments received.

Construction Code Enforcement: No comments received.

Memphis Light, Gas and Water: No comments received.

Office of Sustainability and Resilience: No comments received.

Office of Comprehensive Planning: No comments received.

APPLICATION



MEMPHIS & SHELBY COUNTY BOARD OF ADJUSTMENT

125 North Main Street, City Hall, Room 468
MEMPHIS, TENNESSEE 38103

APPLICATION FOR VARIATION FROM THE REQUIREMENTS OF THE UNIFIED DEVELOPMENT CODE

Property Owner of Record: ALSAC Phone #: 901-578-2001
Mailing Address: 501 St. Jude Place City/State: Memphis/TN Zip: 38105
Property Owner E-Mail Address: sara.hall@alsac.stjude.org
Applicant (if not property owner): Same as Property Owner Phone #: _____
Mailing Address: _____ City/State: _____ Zip: _____
Applicant E-Mail Address: _____
Representative: Jennifer Peregoy Phone #: 901-334-5319
Mailing Address: 6750 Poplar Avenue, Ste. 600 City/State: Memphis/TN Zip: 38138
Representative E-Mail Address: Jennifer.peregoy@kimley-horn.com
Engineer/Surveyor/Architect: Same as Representative Phone #: _____
(Add additional sheets if including more than one entity)
Mailing Address: _____ City/State: _____ Zip: _____
Engineer/Surveyor/Architect E-Mail Address: _____

To the Chairman, Board of Adjustment:

Application is hereby made for Variation(s) from the requirements of Section(s) _____ of the Unified Development Code under the discretionary power vested in your Board by Section 9.22 to permit {erection, alteration of, maintenance} in accordance with the plans filed under application for Building or Use and Occupancy Permit dated _____, 20____.

PREMISES LOCATION (Describe by street address & directional location description, e.g. 200 Johnson Street, North side of Johnson Street, 100 feet east of Brown Street) Northeast corner of A.W. Willis and Third Street comprised of several parcels

DESCRIBE PROPOSED VARIATION AND JUSTIFICATION FOR REQUEST.

Include applicable section reference from the Memphis/ Shelby County Unified Development Code for which relief is being sought.

Listed on separate attached variance request descriptions

DESCRIPTION OF EXISTING OR PROPOSED BUILDING OR STRUCTURE

Size of Building or Structure:

At street level: 315 feet across front and 425 feet deep Height: 7 stories 90' feet high

Occupancy: (a) Number of Families: (If any are used as dwellings): n/a
(b) Number of Automobile Parking Spaces: 1040

Use District: MU/HDR Date of Erection: n/a

Proposed Use: Parking Structure

Have there been any citations or other violations of law, pursuant to the zoning code or otherwise, at this location within the past 24 months? no If so, describe below.

Character of Construction: Frame ☒ Masonry ☐

Reinforced Concrete or Protected Steel Frame ☒ Other (Specify) _____

I (we) hereby make application for approval of the Zoning Ordinance/Regulations variation(s) being sought from described above and on the accompanying materials.

I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Board of Adjustment at the next available hearing date.

I (We), owner(s) of the above described property hereby authorize the filing of this application and the above-named persons to act on my behalf.

Steele 9/28/2021
*Property Owner of Record Date Applicant (if not property owner) Date

*The Property Owner of Record shall sign if they are not the applicant.

PROVIDE AN EXPLANATION TO THE FOLLOWING CRITERIA:

(Please respond to ALL points listed below on this form. Additional sheets may be added as needed)

9.22.6 Findings of Fact - The Board of Adjustment must make specific written findings of fact on each variance request. In granting any variance, the Board of Adjustment shall make the following findings:

A. Bulk and Other Non-Use Variances

1. Unusual characteristics of the property. The property is unusual in that it exhibits at least one of the following exceptional physical features as compared to other properties located in the same zoning district: exceptional topographic conditions, exceptional narrowness, exceptional shallowness, exceptional shape or any other extraordinary and exceptional situation or condition;

The site is currently zoned Mixed Use (MU) and High-Density Residential (HDR). The site has an existing drainage channel and flood control area on the site. The site has significant grade change to the top of the channel.

2. Practical difficulties or undue hardship. By reason of the unusual characteristics found to apply in Paragraph 1, the strict application of any regulation found in this Code would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property;

The practical hardships of the site are the existing drainage channel that requires City Public Works maintenance access, thus limiting the develop-able footprint and inhabitable uses.

3. The unusual characteristic found to apply in Paragraph 1 is not the result from and deliberate action by the owner;

Because the site is zoned MU and HDR, the characteristic did not result from the owner or from deliberate action by the owner.

4. That a variance from the strict application of this Code may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of an adopted plan and this Code;

All variances requested can be granted without detriment to the public good and without substantially impairing the intent and the purpose of the adopted plan and the Code.

5. The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare;

The purpose and intent set forth in the Unified Development Code for the area will not be impacted or negatively affected by the development, but will be enhanced by the proposed development.

6. The variance is not granted simply because by granting the variance, the property could be utilized more profitably or that the applicant would save money.

The variances being requested are not proposed for the purpose of frugality or profitability. The development is proposed in an effort to meet the needs of St. Jude while simultaneously activating the surrounding area for future growth and development. The Owner is proposing additional enhancements to the property for the use of the neighborhood that is not required by Code.

If requesting a use variance, please respond the following point in addition to the six previous:

B. Use Variances

1. In addition to the findings established for other variances in Subsection A, the Board of Adjustment shall also find that none of the uses permitted on the property are practical due to either the unusual characteristic found to apply in Subsection A, Paragraph 1, or to any physical improvements made upon the property.

The site is comprised of a section of the Gayoso Bayou and would be impractical to develop into an inhabited space such as uses permitted by the current zoning. The property has been undeveloped for decades, and requires significant expenditure of funds to be buildable. The best and most practical use for the parcel would be as a parking garage. With St. Jude campus's downtown location, there are limited parcels to develop in the vicinity. This parcel is adjacent to the campus and is necessary to serve and support the current growth and projected growth plan that St. Jude is currently implementing.

Board of Adjustment - Variance Request Descriptions

St. Jude Children's Research Hospital Campus – Parking Garage – Northeast corner of A.W. Willis and Third Street

Variance Request #1 – Use Variance

Applicable UDC Section- 7.3.11 Land Use Zoning Matrix

Variance Description – The site is currently zoned High-Density Residential (HDR) or Mixed Use (MU) zoning districts. We are requesting a variance for a parking garage.

Variance Justification – The site is currently encumbered with a jurisdictional stream, the Gayoso Bayou. The uses that are allowed for the HDR and MU zoning would likely never be built on the subject site due to significant costs associated with encapsulating the bayou underground. The applicant has worked extensively with the City of Memphis and other jurisdictional authorities and will expend significant costs to improve the lot which will result in the highest use of the property as a parking structure. There are no active commercial or retail uses proposed, nor are there residences proposed. This garage is needed for the expansion of the St. Jude campus. It is a part of the continuous land that comprises the St. Jude campus with ALSAC-owned property on three of the four sides of this block. St. Jude is seeking no funds for this infrastructure and site improvement.

Variance Request #2 – Minimum Setback

Applicable UDC Section – 7.3.6 and 7.3.7 – Build-to Lines/Setbacks

Variance Description – The UDC requires front build-to line of 5 feet to 30 feet for an Institutional use in the HDR zoning, and a front build-to line of 0 feet to 10 feet in the MU zoning. The subject site is proposing a front setback of 74 feet to accommodate the stream/box culvert relocation for the parking structure.

Variance Justification – The variance request is for a larger front build-to line/setback along A.W. Willis. This additional distance is to allow for the improvement to the bayou, including the full stream relocation of an existing jurisdictional stream. The applicant purchased additional property to the north to allow for the stream relocation, and also will develop a linear pocket park along A.W. Willis and Third Street to be utilized by the Uptown Neighborhood. This park will consist of a curvilinear walking trail and landscaping.

Variance Request #3 - Height Variance

Applicable UDC Section – 7.3.6 and 7.3.7 - Building Height

Variance Description – The UDC height standards state the building height not exceed 45 feet in height. Building height is the vertical distance measured from grade to the highest point of the roof for flat roofs and to the mean height between the waves and ridge for gable, hip and gambrel roofs.

LETTER OF INTENT



ALSAC
501 St. Jude Place
Memphis, TN 38105
o: 901-578-2000 800-877-5833
f: 901-578-2800

September 28, 2021

Mr. Josh Whitehead, Director
Memphis and Shelby County
Office of Planning and Development
City Hall, 125 North Main Street, Suite 468
Memphis, Tennessee 38103

RE: Board of Adjustment Application
Northeast Corner of A.W. Willis Ave., and Third St., Memphis, TN

Dear Mr. Whitehead:

On behalf of American Lebanese Syrian Associated Charities ("ALSAC"), the fundraising and awareness organization for St. Jude Children's Research Hospital ("St. Jude"), please find the attached supporting documents and variance requests from the Board of Adjustment for a parking facility located at the northeast corner of A. W. Willis Avenue, and Third Street.

Growth and Need for Parking

As you are aware, we are engaged in a multi-year \$11B expansion, which includes a \$1.9 billion dollar campus expansion. In the past five years, we have created and filled over 1100 new jobs and have contracted for hundreds more through our significant construction projects, including the data center, warehouse rehabilitations, ALSAC building, research tower and patient housing facility. As you can imagine, this expansion of our mission includes construction of critical additional facilities for our patient, clinical care, medical, research and staff needs. This expansion of our campus has reduced our available parking at the same time that we have added staff and contractors. This parking facility is a necessary component of our mission and campus expansion and is being built on a block that is surrounded by ALSAC land and our campus on three-sides.

This expansion is necessary to allow St. Jude to continue its work to advance care and treatment for children with cancer and other catastrophic diseases, and to further our mission to provide treatment, housing, and other support to patients and families who never receive a bill from St. Jude. As part of our expansion efforts, we remain committed to support the development and revitalization of our neighborhood and the Pinch. We are invested in Memphis, the Uptown neighborhood and the Medical District and are excited about opportunities for our growing number of employees, patients and families, and visitors, to live, work and play in and around campus.

stjude.org

ALSAC is the fundraising and
awareness organization for
St. Jude Children's Research Hospital

September 28, 2021 Letter
Board of Adjustment - ALSAC and St. Jude Children's Research Hospital

As you are aware, our parking needs were so critical that we previously obtained approval from the Board of Adjustment to allow temporary parking in various areas along A.W. Willis Avenue. We would prefer not to park on surface lots along A.W. Willis and have engaged in significant planning and coordination with the City to identify a viable alternative adjacent to campus. The garage location at A.W. Willis and Third Street provides parking at the western portion of campus where there is a need for additional parking. If this variance is approved, we will improve a blighted and unusable property with exposed sections of the Gayoso Bayou stormwater conveyance prior to constructing the garage. We have worked with City Engineering and Public Works in our planning efforts and design and placement of the garage on this block to ensure that the Bayou improvements are sound from an engineering and infrastructure perspective.

Proposed Garage Design

While designing the garage to meet ALSAC/St. Jude's immediate need for approximately 1640 parking spaces, we have identified a design that allows the Bayou to be re-channelized underground. Over the Bayou, we have created an attractive walking trail along A.W. Willis and Third Street. This design is in response to prior BOA comments regarding walkability and access to Pinch area property from the street and is supportive of the neighborhood and those who walk in the area. We also worked with St. Stephen's Church in our design of the garage and located the garage so that St. Stephen's Church is visible from Third Street. Finally, we are working with Engineering to plan for intersection and crosswalk improvements at A.W. Willis and Third Street to create a walkable area.

Land Use

The development will be located on a 3.25-acre (+/-) tract which is currently comprised of several vacant parcels. Information about these parcels is provided below. There were previously alleys and City Right-of-Way located within the development block.

Address	Parcel ID	Owner	Zoning*	Land Use	Acreage
184 A.W. Willis Ave.	001039 00002	ALSAC	MU	Vacant	0.427
472 N. Third St.	001039 00001	*City of Memphis	HDR	Vacant	0.509
0 Auction Ave.	001039 00003	*City of Memphis	MU/ HDR	Vacant	0.233
0 N. Fourth St.	001067 00001	ALSAC	MU/ HDR	Vacant	0.77
0 A. W. Willis Ave.	001039 00005	ALSAC	MU	Vacant	0.085
0 A. W. Willis Ave.	001039 00004	ALSAC	MU	Vacant	0.046
0 N. Fourth St.	001070 00010	ALSAC	HDR	Open space adjacent to church	0.216

September 28, 2021 Letter
Board of Adjustment - ALSAC and St. Jude Children's Research Hospital

508 N. Fourth St.	001070 00011	ALSAC	HDR	Open Space adjacent to Church	0.216
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*City Council has approved this property transfer and title will be transferred to ALSAC upon final execution of documents.

Bayou and Garage Integration on Site

St. Jude desires to develop a parking garage on a lot that contains an exposed, daylighted section of the Gayoso Bayou. The lot is a city block at the northeast corner of A.W. Willis Avenue and Third Street adjacent to the St. Jude campus. The parking garage footprint will comprise the majority of the site and will be a seven-story structure with access on the north side and driveways on the east and west to both Third Street and Fourth Street.

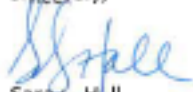
The channel that currently bisects the property will be rerouted to the west along A. W. Willis and then to the north along Third Street. The applicant has prepared a Hydrologic and Hydraulic study for the project and has worked with the City of Memphis Directors of Engineering and Public Works throughout the conceptual design process. The applicant has also coordinated extensively with the Tennessee Department of Environment and Conservation and the United States Army Corps of Engineering regarding the required permitting.

Due to many unique aspects of the site, and with the culvert relocation occurring adjacent to A.W. Willis and Third Streets, the parking structure was set further from the street. The applicant has taken this opportunity to develop a linear pocket park for the surrounding community. It is anticipated that this park will consist of a walking trail, pedestrian access to the public sidewalk, and landscaping. Sustainable elements such as native plantings, and bioswales for drainage will be evaluated as the design progresses.

The attached BOA application requests three variances from the UDC requirements: land use, structure height, and front setback. Each variance will enhance the development and revitalization of Uptown and will allow ALSAC and St. Jude to grow its mission: *Finding Cures. Saving Children.* The variance requests are described in detail within the BOA application.

Please do not hesitate to contact us with any questions or comments.

Sincerely,



Sara L. Hall
Chief Legal Officer

Attachments: BOA Application and Supporting Documents

LETTERS RECEIVED

No letters of support and 208 letters of opposition were received at the time of completion of this report and have subsequently been attached.

Neighborhood Opposition Sent by 198 People

Mr. Seth Thomas,

Dear Distinguished Board of Adjustments Members,

I am writing to you because I am concerned about the proposed parking structure at AW Willis between 3rd and 4th Street in historic Greenlaw/Uptown, which will directly harm Memphis's first subdivision - a historic, racially and socio-economically diverse, though majority Black, neighborhood - if allowed to proceed.

While I admire and appreciate the work of ALSAC/St. Jude, they have not engaged neighborhood residents in the planning of this project and the vast majority of residents and neighbors only learned of the project after it was filed with the BOA barely a month ago. The proposed project and requested variances are a violation of the spirit of community development that has been set forth by our local authorities and outlined by Memphis 3.0. The community was not authentically engaged in the proposal and they are ill-informed about its potential impact.

I ask that the Board of Adjustments REJECT the applied variances for USE and HEIGHT.

Here is why:

The property owner claims that they should be permitted to disregard the current zoning and height requirements to allow for the building of a massive parking structure that will result in the highest and best use of the property.

But the variances requested fail to satisfy the BOA's criteria, namely:

- That the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the adopted plan by this Code.
- That the requested variance be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare.

The BOA must find that no other uses permitted on the property are practical.

Regarding the USE VARIANCE:

- TRAFFIC: A parking garage that accommodates 1,640 spaces will create a hazardous amount of daily traffic traversing the Greenlaw/Uptown neighborhood, and there is no known or publicly available traffic study for this project. In addition, this amount of traffic, and long lines we anticipate seeing daily as people file into the parking structure each morning will create

substantial emissions. There are two youth-serving facilities located directly across and one block over from the proposed area (BRIDGES and the Greenlaw Community Center) that could be adversely impacted by the increased traffic and emissions. The parking garage is detrimental to the public good.

-- CRIME: Currently, the property serves as a greenspace for the neighborhood where neighbors walk their dogs, exercise, and garden. As zoned for development and as is, the land is an asset to the community. According to FBI data from Crime Data Explorer, parking garages and lots are the third most common location of violent crimes in the United States. A parking garage could increase violent crime in a neighborhood that is struggling to reach its full potential. The parking garage is detrimental to the public good.

-- ENVIRONMENTAL IMPACT: A parking garage requires the relocation and encapsulation of the historical Gayoso Bayou. While the application claims that some studies were conducted in coordination with state and federal agencies, there is no publicly available environmental impact statement for the project. We have watched for decades and we know that the current topography of the bayou creates an area of release and expansion above ground in times of high water. Have authorities adequately studied the water in these critical times? It could be catastrophic to the public good by creating significant flooding somewhere along the bayou. The parking garage is detrimental to the public good.

-- NEIGHBORHOOD CHARACTER: According to the CRA's plan for Pinch and Gayoso Bayou District area states, "The vision for the area north of the Pinch District is to transform the stormwater facility into an active park, integrate new residential uses, and facilitate new adaptive uses of existing buildings in order to provide an pedestrian activated environment that joins the pinch and the remainder of the Uptown area." The proposed parking structure is the opposite of the stated plan. We have found NO RESEARCH that supports the claim that the proposed amenities will achieve the plan we set forth by the community plan. This plan is not in harmony with the code and will harm the general welfare of neighborhood residents.

Regarding the HEIGHT VARIANCE:

-- The construction of an 89-foot tall parking structure across AW Willis will forever change the character of Greenlaw/Uptown and will be injurious to the property owners in the area. With the existing height limitation, the neighborhood feels like a neighborhood, and yet it has the unique value of being in close proximity to the Pinch business district, the Pyramid, and Mud Island. There is more development underway in the Snuff Factory area that stands to bring more people and business into the area. All prior new developments have respected the natural height standards that were established by two historic churches in order to preserve and respect the residential area. However, this project will expand the already imposing St. Jude campus directly into the neighborhood, creating a bold barrier in spite of the proposed mitigation efforts. Simply put, a walking path and pocket park, placed on the side of the block that faces St. Jude and not the neighborhood, does not effectively mitigate the imposing scale of this project or its impact on the residents. This plan is not in harmony with the code and will harm the general welfare of neighborhood residents.

For all of these reasons, I ask that you reject this proposed variances. If you cannot reject these variance requests, we ask that you at least delay this decision to grant the necessary time for

Dear Community Leaders,

I am writing you today to express my concern as a citizen of Memphis about the proposed St. Jude/ALSAC development in the Uptown/Greenlaw neighborhood. There is no Memphian (myself included) that refutes the good work that St. Jude does every day, nor the value they bring to our city. But this does not exempt them from also being good neighbors, and their mission does not supersede a historic community. Like any other new structure, they should follow the standard building code that all other new developments have respected, and garner true community feedback about the proposed impact. They should not be exempt from this important process.

Residents have not been adequately engaged or consulted on the effect this project will have on the landscape of their neighborhood, nor were they given the opportunity to weigh into substantive alternative options. In addition to threatening the quality of life and reducing greenspace, the plan requests a variance to code that would set a dangerous precedent for future developments, and it does not respect the natural landscape that has existed in Uptown/Greenlaw for a century.

I stand in solidarity with the residents of Greenlaw and Uptown who have asked that ALSAC/St Jude reconsider the proposed parking garage in its current location and large scale.

Residents and concerned citizens have cited a number of negative impacts that a project of this scale will have on an already vulnerable, historic mixed-income and racially diverse neighborhood. These concerns include:

- Endangering families and children with increased traffic, potential crime, loss of walkability
- Negative impacts to neighbor's health cause by 1600+ additional vehicles in a residential area
- Negatively impacting the natural landscape that has existed in Uptown/Greenlaw for a century
- Potentially reducing property values
- Establishing a dangerous precedent for future large scale and high impact developments in the neighborhood

In spite of a lack of community information and engagement, more than 150 individuals have sent letters to the Office of Planning and Development and Board of Adjustments of opposition to the garage, which caused ALSAC to engage the community in two public meetings. At each of these meetings, more than a dozen neighbors expressed concerns about the scale, height and impact of the garage.

In a recent survey of residents who live near the proposed garage, 90% of residents of Greenlaw/Uptown shared that they do not want this parking garage to be built. 95% of residents cited specific harm the project would cause the neighborhood.

We believe there is a solution that will support St Jude's growth and promote a thriving and vibrant Greenlaw/Uptown. However, to reach this solution, ALSAC should retract this current proposal and consider a broader array of options to meet parking needs. As a concerned citizen who cares about the greenspace, land use, and historic preservation of our city, I support greater community engagement in the reimagining of the Gayoso Bayou that is in accordance with both the needs of ALSAC and the Greenlaw/Uptown community. Once green space is gone, it can not be replaced

An Open Letter about the Recent Garage Proposal in the Greenlaw/Uptown Neighborhood:

We support the extraordinary work of ALSAC/St. Jude and the positive impact it has made not just in the Greater Memphis area but among families across our nation and the world. At the same time, we understand the organization's need for expansion and welcome the multiple opportunities this brings to our community.

This coalition represents an array of organizations that serve residents and families across Shelby County and have direct connections to the Greenlaw/Uptown neighborhood. It's due to those relationships and our deep collaboration that we feel we have the responsibility to elevate the community's concerns about the garage proposal from ALSAC/St. Jude.

Residents and concerned citizens have cited a number of potential impacts that a project of this scale could have including:

- Endangering families and children with increased traffic, potential crime, loss of walkability
- Negative impacts to neighbor's health caused by 1600+ additional vehicles in a residential area
- Negatively impacting the character of the neighborhood and natural landscape that has existed in Uptown/Greenlaw for a century
- Potentially reducing property values
- Establishing a dangerous precedent for future large scale and high impact developments in the neighborhood

In addition, more than 150 individuals have sent letters to the Office of Planning and Development and Board of Adjustments in opposition to the garage. In a recent survey of residents who live near the proposed garage, 90% of those surveyed shared that they do not want this parking garage to be built. 95% cited specific harm the project would cause the neighborhood.

We would like to work together to create a solution that is tenable for everyone. Like any other large-scale project, this proposal should be created by garnering authentic community feedback to inform the decision-making process. We look forward to collaborating and finding a solution that is in the best interest of our entire county.

Sincerely,

Pastor Justin Holloway, First Baptist Church Chelsea
Justin Merrick, The Center for Transforming Communities
Jerred Price, Downtown Neighborhood Association
Lisa Moore, Girls Inc. of Memphis
Dana Wilson, BRIDGES
Andre Jones, Jones Urban Development
Leah Fox-Greenberg, Memphis Heritage Inc.
Natalie McKinney, Whole Child Strategies



October 19, 2021

Josh Whitehead, Zoning Administrator
Seth Thomas, Staff Planner
Department of Planning and Development
City of Memphis
125 North Main Street, Ste 468
Memphis, TN 38103

RE: BOA 21-122 – Proposed ALSAC Parking Garage

Dear Mr. Whitehead and Mr. Thomas:

Thank you for providing the information regarding BOA case #21-122 to our agency. This item concerns a seven-story parking garage structure proposed to be built by ALSAC atop the Gayoso Bayou in the Uptown Neighborhood.

As you know, our organization is a joint agency of the City of Memphis and Shelby County tasked with administering the tax increment financing (TIF) districts established by the Memphis City Council and the Shelby County Commission under our state statute. One of these TIF districts under our administration is the Uptown Community TIF District. This TIF was established in 2001 for the revitalization of the North Memphis area. In 2017 and 2019, the TIF District was expanded, and funding was added to transform the district into a community-based TIF district. The Memphis City Council and Shelby County Commission directed the creation of the Uptown Community Plan, which was completed by CRA staff and consultants under the direction of the Uptown Advisory Committee. The Uptown Advisory Committee is comprised of neighborhood residents, property owners, and community stakeholders who are invested in seeing their community rid of blight and provided with a diversity of affordable and quality housing options. For your reference, the Uptown Community Plan may be viewed on our website at <https://cramemphis.org/uptown-tif/>.

The community planning process led by the Uptown Advisory Committee, which included representation from ALSAC, created a community framework for future development to be catalyzed by the community-led TIF district funding. Within this framework, the plan designated ten community anchors. One of these community anchors is the Pinch & Gayoso Bayou District (please see attached pages 36-41 of the community plan). The plan states:

850 N. Manassas Street | Memphis, TN 38107 | 901.435.6992

The vision for the area north of the Pinch District is to transform the storm water facility into an active park, integrate new residential uses, and facilitate adaptive reuse of existing buildings in order to provide a pedestrian activated environment that joins the Pinch District and the remainder of the Uptown Community.

The renderings and maps within the plan further depict and describe the redevelopment of the Gayoso Bayou facility into an active space that also functions as a storm water facility and creates a more natural and attractive feature than the channelized industrial-looking facility it is today.

The proposal outlined by ALSAC in BOA case 21-122 does not support or conform to the Uptown Community Plan as created through an extensive public engagement process. It does not transform the facility into a park. It does not integrate residential uses or respect the community character and feel. It does not provide a pedestrian activated environment that joins the Pinch District to Uptown.

Over the past several years, our agency has been working closely with the City of Memphis, including its leadership and divisions, and with the neighborhood to implement the vision as outlined within the plan. The plan has the neighborhood's full support. The CRA as an agency has the funding dedicated to implement the community's vision. We request that the wishes of the community, as expressed through their plan, are respected.

Sincerely,



Andrew Z. Murray, AICP, Director of Planning and Community Development

Cc: Rosalyn Willis, CRA President
Uptown Advisory Committee

COMMUNITY FRAMEWORK AND ANCHORS

Community Framework

The Uptown Community is a large area comprised of approximately 2,582 acres (2,216 acres excluding the Mississippi River), portions of all of 9-neighborhoods, and measures approximately 2-miles east to west and 3-miles north to south. Over millennia, humans have intuitively defined neighborhoods as the area defined by a 5-minute walk radius (1/2-mile across) since this is the area that is easily accessible by walking. People have also intuitively created activity centers where the community comes together for commerce, civic interaction, and recreation. These activity centers are the anchors of a community and are often comprised of a mix of uses and activities. These anchors are also reinforced by major transportation routes. Given the very large area that comprises the Uptown Community, it is important to understand the scale and to reinforce and create an overall framework that leads to a cohesive and focused approach that leverages both existing and proposed infrastructure investments, as well as community social and economic patterns.

The overall structure of the Uptown Community is defined by natural features, parks, paths, major streets, activity centers, residential neighborhoods, regional institutions, and barriers. The adjacent diagram highlights both of the existing and proposed elements to provide an understanding of the overall future community framework. This framework provides the armature for the definition of distinct Community Anchors that are activity centers serving the community and are based on the neighborhood definition of a 5-minute walk radius. However, it is important to clarify that while the anchors are important community defining elements, that the Neighborhood Fabric (residences outside the anchors) is equally important. The adjacent diagram illustrates this community framework and the following pages in this section describe the community anchors.

Anchors

Community anchors are important defining and organizing elements of neighborhoods and are places where residents and visitors come together. Sometimes these are commercial centers, sometimes recreational settings, and sometimes civic gathering places. While the neighborhood fabric (residences) are equally important, strong anchors support healthy communities. Strengthening these anchors will serve to focus efforts in the places that will have the greatest impact for the

entire community towards stabilization, revitalization, community pride, identity, safety, and additional investment. The adjacent diagram identifies both the existing and proposed key community anchors in Uptown. While each of these is defined by a 5-minute walk, they each have a unique character and focus. Each of these is comprised of a variety of uses and a gradation of density moving from the center to the edge. These anchors form the basis for organizing recommendations in the following sections and are viewed as priorities for investment of TIF funds and other funding.

The Memphis 3.0 process will result in the creation of a Memphis-wide Comprehensive Plan that establishes city policy, including Land Use. A key approach in the Memphis 3.0 process is to define City-wide Anchors and Community Anchors that are place-based and define specific characters for each type of anchor. This is a good approach that reflects the best planning practices of today and these character types can be readily understood by the community. However, by necessity, this large undertaking paints a broad brush. Conversely, this Uptown Community Plan focuses solely on the boundary illustrated in the adjacent plan, so can analyze and define neighborhood anchors at a finer grain based on community input, existing conditions, city infrastructure proposals, proposed plans of property owners, and economic realities. Since the Uptown Community Plan will be completed prior to the Memphis 3.0 process, the adjacent diagram (as well as the proposed land use plan) can influence the final Comprehensive Plan recommendations.

Not all Anchors are the same, and there are 4-Types defined:

- Regional Commercial - High Density, large proportion of office and retail, regional draw,
- Neighborhood - Small amount of commercial (primarily community serving), primarily residential,
- Civic - Civic uses at its core such as a school and community services,
- Recreational - Park and recreation space at its core, primarily residential,

It should be noted that St. Jude Hospital and Le Bonheur, and the surrounding areas, are regional anchors, but since these areas are primarily inward facing, and even gated, this diagram focuses on the key points of community interface.

There are 10-Anchors shown in the adjacent map and listed below. Detailed descriptions and recommendations are found on the following pages:

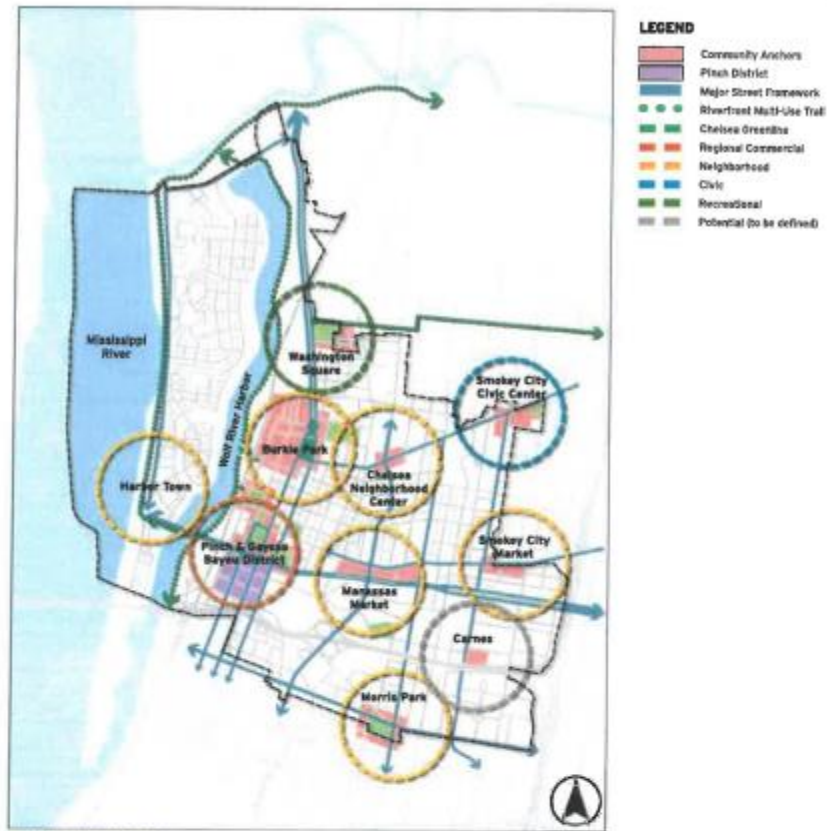
- Pinch & Gayoso Bayou District,
- Snuff District,

- Chelsea Neighborhood Center,
- Washington Park Square,
- Smokey City Civic Center,
- Chism Market,
- Morris Park District,
- Smokey City Market,
- Harbor Town,
- Carnes (possible),

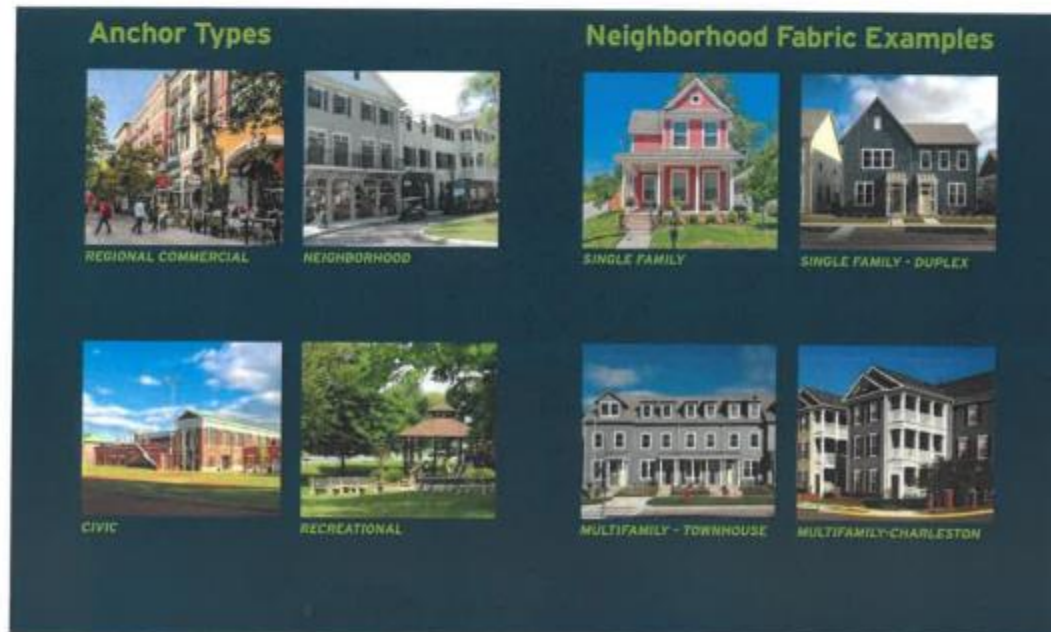
Neighborhood Fabric

It is the residents that make up the core, culture, and character of the community and that support the vibrancy of the anchors. While there are certainly homes within the anchors, many fall outside the anchors and are equally important to the success of the Uptown Community. As a result, critical recommendations on the following pages focus on the Neighborhood Fabric, as well. These are contained in the Introduction, Vision and Goals; History; Transportation; Environmental; Parks, Recreation and Open Space; Housing; Land Use; Design and Zoning; and Infrastructure and Utilities sections.

FRAMEWORK 37



FRAMEWORK DIAGRAM



38 NEIGHBORHOOD AND DISTRICT ANCHORS

JULY 2018

Pinch and Gayoso Bayou District

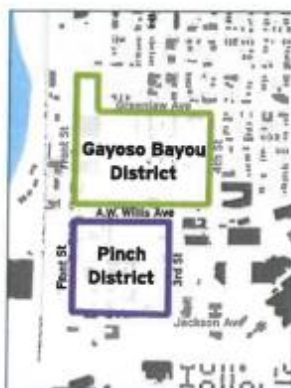
The City of Memphis Pinch District Concept Study from November 30, 2016 establishes a goal to create a mixed-use urban district that preserves historic buildings (mainly on Main Street), reinforces connections, is walkable, and adds significant amounts of development (supported by structured parking).

The boundaries of that Concept Study are generally the St. Jude Campus to the east, Front Street to the West, I-40 to the South, and just beyond A.W. Willis to the north. The proposed vision for this study area is consistent with the goals of the Uptown Community plan. However, one key concern from residents is that the edge to the north does not address how this redevelopment will integrate, rather than turning its back on, the existing neighborhoods to the north.

This area of transition is dominated by the Gayoso Bayou which is a multi-block storm water facility with chain link fencing. In its current configuration, this utilitarian facility prohibits an effective joining of the Pinch District with the remainder of the Uptown Community.



GAYOSO BAYOU



KEY PLAN



PINCH DISTRICT CONCEPT STUDY, NOVEMBER 30, 2016

NEIGHBORHOOD AND DISTRICT ANCHORS 39



GAYOSO BAYOU/PINCH DISTRICT INTERFACE

MEMPHIS UPTOWN COMMUNITY PLAN

40 NEIGHBORHOOD AND DISTRICT ANCHORS

JULY 2018

North Pinch Vision

The vision for the area north of the Pinch District is to transform the storm water facility into an active park, integrate new residential uses, and facilitate adaptive reuse of existing buildings in order to provide a pedestrian activated environment that joins the Pinch District and the remainder of the Uptown Community. This is accomplished through the following recommendations.

Recommendations

- Cities are coming to the realization that their storm water infrastructure can be turned into park spaces that are great activators for the community and that are economic development projects that promote additional development and increases in rents. Fourth Ward Park in Atlanta is an example of this. A design for the conversion of the Gayoso Bayou into a park, while retaining the functionality of the storm water system, should be undertaken.
- Medium density residential should be incorporated north of A.W. Willis along A.W. Willis, Main Street, and facing the Gayoso Bayou. Townhouses, live-work townhouses, or lofts with truck-under

parking are desirable in this area since they are a transition between high density and single-family and because they are a type that can accommodate parking within their own footprint on these constrained sites.

- The southern edge of the Gayoso Bayou between Main Street and 2nd Street should be reconfigured to allow for a row of townhouses facing onto a plaza and east-west pedestrian path. This will also allow for the fronts of homes to face the bayou, rather than the current service side of the gas station.
- The eastern edge of the Gayoso Bayou between Greenlaw Avenue and Mill Avenue should be designed to provide a hedge or similar element to screen the alley and parking to the east.
- The edge of the gas station facing Main Street blends with the sidewalk, the care area is flush with the sidewalk, and creates an uncomfortable and unsafe pedestrian environment. A low evergreen hedge or wall along the back of the sidewalk should be planted/built along the gas station edge facing Main Street to improve the pedestrian environment and safety.
- In order to provide for pedestrian safety and integration between the areas north and south of A.W. Willis, the intersections of A.W. Willis with Front Street, Main Street, and 2nd Street should incorporate traffic calming through painted intersections and crosswalks, the intersections should be reviewed for other pedestrian improvements such as reduced curb return radii, and the intersection of A.W. Willis and Front Street should have the "free-rights" removed.
- Adaptive reuse of the Greyhound building should be supported.
- Colonial Park (two squares on each side of A.W. Willis) are park spaces originally platted as a part of the original Memphis city plan. Currently, these spaces are just grass and on the non-street sides are parking lots or backs of buildings. A concept design for these spaces has been developed previously. This design is certainly an improvement, but this plan suggests that a splash fountain might be better located at the proposed Gayoso Bayou Park. The crosswalks should be coordinated with the proposed intersection improvements. The unused rail line could be used to located rail cars with temporary or permanent uses such as a food "truck" or incubator office.



HISTORIC FOURTH WARD PARK, ATLANTA, GEORGIA



UNION PLAZA, LINCOLN, NEBRASKA

NEIGHBORHOOD AND DISTRICT ANCHORS 41



SPLASH PAD



INTERSECTION PAINTING



BUILDING PRECEDENT



BUILDING PRECEDENT



PHASING DIAGRAM

MEMPHIS UPTOWN COMMUNITY PLAN



DOWNTOWN'S OLDEST & LARGEST ASSOCIATION
dnamemphis.org

To whom it may concern:

The Downtown Neighborhood Association was formed nearly 40 years ago to be a voice of all downtown businesses and residents. It is the purpose of the association to promote enjoyment and enhancement of downtown living. The association's continued objective is to protect and enhance the quality of life in the downtown area. The association maintains and fosters a spirit of community for downtown residents, businesses, and visitors.

Recently, we were made aware of a 7-story parking garage being proposed in Uptown on AW Willis between 3rd & 4th streets.

After careful consideration, the Downtown Neighborhood Association Board of Directors has voted to stand with & lift the voice of the people of Uptown as the majority of Uptown residents stand against the current location of a parking garage proposed by St. Jude.

Information was provided to DNA's board showing that out of over 150+ doors in Uptown that were knocked on (in an effort lead by ParksNotParking901.org), over 75% of them stood against this project in its currently proposed location. Over 75 letters of opposition have been sent to the Board of Adjustments as this project would require rezoning and a height variance currently in place for this location. Additionally, the space was a planned "Green Space" area set forth by the Community Redevelopment Agency (CRA).

We love our St. Jude neighbors and all the wonderful things they do for kids around the world! We will continue to help and support them in any way possible. We hope that you & St. Jude will hear these concerns from the Uptown residents and allow us to all work together to come up with a viable solution and

plan for this need for parking. St. Jude has been working alongside the community for years, and we are confident they will do so with this concern & project.

We look forward to a solution that will help protect the Uptown community while allowing for St. Jude to grow and reach more kids who need their help.

With hope & community in mind,

The Downtown Neighborhood Association Board of Directors

Jerred Price – President
Elijah Townsend – Vice President
Luanne Yeley – Secretary
Gina Dickerson – Treasurer
Dr. Marcus Harris – Immediate Past President
Ginny Watson – Mud Island District Captain
Larry Bonds – Uptown District Captain
Taylor Hopkins – Core District Captain
Christopher Holland – South District Captain
Randy Blevins – Membership Representative
Joseph Ozment, Esq. – Business Representative

10/22/21, 11:29 AM

Mail - Thomas, Seth - Outlook

Uptown/Greenlaw proposed Garage

Martha Kelly <info@sg.actionnetwork.org>

Fri 10/22/2021 10:32 AM

To: Thomas, Seth <Seth.Thomas@memphistn.gov>

CAUTION: This email originated outside of the **City of Memphis** organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Seth Thomas,

Dear Board of Adjustments Members,

Please reject the variance requests for the proposed St. Jude garage. They do wonderful work and need community support, but there are a ton of already asphalted lots to the west where the old St. Joseph was. That area is already blighted and is adjacent to their campus. We don't need to lose green space. I've worked extensively on storm water flooding around the Lick Creek basin in midtown, and Memphis is at the very bottom of the national list on acres of parkland in proportion to city acres. Green space is a scarce amenity and mitigates the flooding that has increased in recent years and will continue to do so with large storms becoming more frequent. This parking crunch can be met without damaging a historic neighborhood that already has challenges.

Thank you for your consideration.

Best regards, Martha Kelly

Martha Kelly

m1marthakelly@aol.com

1780 Autumn Ave.

Memphis, Tennessee 38112

October 19, 2021

Memphis & Shelby County Board of Adjustment
RE: Case number: BOA 21-122

To whom it may concern,

My name is Ashley Chabot, I am a resident on Fourth St who would be impacted by a parking garage constructed on the corner of A.W. Willis Avenue and Third Street.

I oppose this parking structure as this intersection is already extremely busy with it being a major access point to the highway. Building a parking structure here would only increase the traffic coming through our neighborhood. I recommend looking at the accident rate increase that happened in my neighborhood while the small section of A.W Willis Avenue between Fourth and Fifth Street was shut down. Second, my neighborhood is a food desert in need of grocery stores and other business that provide local jobs for community members which a parking garage does nothing towards helping. Thirdly, this proposal would take the community garden that is able to provide some fresh vegetables away from our community.

Though I realize a parking structure is needed for ALSAC/St. Jude, there are other locations that have already been bought by them that could be used for this. Why take away an area that is serving this community by teaching kids and adults how to grow their vegetables. I want to be able to keep going to the community garden to learn what can be grown here and how to keep it alive during the heat of the summer. To be able learn beside neighborhood kids who have never seen a garden before. Creating experiences for inner city kids that help them learn new skills and be exposed to new things is exactly what this city needs not another parking garage. Additionally, a large parking structure on this corner is an eye sore that doesn't fit with the neighborhood. I don't see how this would benefit the neighborhood in anyway.

I strongly encourage the board to deny this change. Or at least consider ALSAC having to provide a replacement garden space with the needed funds to start a new local community garden in a similarly convenient location for the community.

Sincerely,



Ashley Chabot
548 N Fourth St
Memphis, TN 38105



October 20, 2021

Josh Whitehead, Director
Seth Thomas, Municipal Planner
Memphis & Shelby County Division of Planning and Development
City Hall
125 North Main Street, Suite 468
Memphis, TN 38103

Re: Opposition to BOA 21-122, ALSAC/St. Jude Parking Garage

Dear Mr. Whitehead and Mr. Thomas:

I submit this letter on behalf of Bridges, in opposition to recently submitted application of ALSAC/St. Jude ("ALSAC") for a variance that will allow them to construct a seven story parking garage on the Northeast corner of A.W. Willis and Third Street, which is currently a green space that has been identified by the neighborhood residents as an asset and prioritized for preservation and enhancement. Because the proposed development is inconsistent with both the letter and spirit of the Unified Development Code ("UDC"), Memphis 3.0, and the Uptown Community Plan and will be harmful to the community, we strongly urge you to recommend denial of the requested variance.

The proposal is inconsistent with the Unified Development Code.

The UDC sets forth both general and specific standards the Board of Adjustment ("BOA") must consider – and the applicant must meet — in order to be granted a variance. ALSAC's proposal does not meet the general or specific standards delineated in the UDC for a variance.

When deciding whether or not to grant a variance, the BOA is prohibited from granting a variance that is contrary to the public interest, and is required to make a decision that "ensures that the spirit of [the UDC] be observed, public safety and welfare secured, and substantial justice done."¹ The spirit of the UDC is found throughout the more than 500 pages that embody the full UDC, but it is most clearly articulated in Article 1, "General Provisions."

ALSAC's proposal conflicts with the spirit of the UDC as defined by the following goals set forth in Article 1:

- Securing safety;²
- Furthering air quality;³
- Facilitating adequate provisions of drainage;⁴
- Protecting the character of all parts of the City;⁵
- Prohibiting uses and buildings that are incompatible with the character of established districts;⁶
- Minimizing air and water pollution;⁷
- Maintaining drainage facilities;⁸
- Encouraging stewardship of natural resources;⁹ and,



- Designing in way that ensures development is properly related to its site and to surrounding development.¹⁰

The proposed parking garage is a seven story structure that will be built on property that currently serves as a drainage area and green space that has been identified by the neighborhood residents as an asset and prioritized for preservation and enhancement.¹¹ The parking garage will have more than 1,600 parking spaces. The increased traffic will decrease the safety of the street for pedestrians and increase air pollution. It is also likely to increase crime; according to FBI data, parking garages and lots are the third most common location of violent crimes in the United State.¹² The increase in impervious surface will decrease the amount of water absorption and impact drainage in an area already identified as an area needing a drainage study.¹³ And, the seven story parking garage will be out of character with the other buildings in the neighborhood, which, are, at most, half as tall as the proposed structure. The proposed new structure is so large compared to its surroundings that it will impact views, light, and shadows for many surrounding properties. All of these impacts of the proposed structure are at odds with the goals set forth in Article 1 of the UDC and negatively impact the neighborhood.

The UDC also set forth standards for development in the specific neighborhood impacted by the proposed parking garage, Uptown/Greenlaw. In recognition of the difference between the type of development ALSAC/St. Jude would need as it grew and the type of development Uptown/Greenlaw would need as it grew, the UDC creates “carefully tailored zoning categories” that reflect the different land use, density, bulk and parking requirements of these neighbors. The ALSAC/St. Jude campus was designated “Uptown Hospital District.” The Uptown/Greenlaw neighborhood— where the subject proposal is located – was designated “High Density Residential” and “Mixed Used.” Both zoning classification – even the higher intensity Hospital District – reflect a commitment to growing in a way that preserves human scale, pedestrian friendly neighborhoods. The Mixed Use category expressly mentions an intention to encourage pedestrian activity,¹⁴ while the Uptown Hospital District category specifically mentions growing in a way that respects the character and quality of life of the surrounding neighborhoods.¹⁵

ALSAC’s proposed parking garage does not observe the spirit of development set forth in the UDC standards intended to guide the development for Uptown/Greenlaw. Neither the form nor function of the parking garage respect the character of the neighborhood. It is not pedestrian friendly; a pocket park with a sidewalk and landscaping is not pedestrian friendly development and is not even a certainty.¹⁶ The garage is not human scale; it will be seven stories. It does not have ground floor uses compatible with the surrounding area; the ground floor will have parking spaces. Finally, it does not use architecture compatible with surrounding areas.

The proposal does not meet the UDC requirements for a variance.

The UDC requires the BOA to consider six factors when evaluating a request for a non-use variance and six additional factors when evaluating a request for a use variance. Pursuant to this framework, the factors the BOA must consider for the non-use variances applied for here are:

1. Unusual characteristics of the property;
2. Practical difficulties or undue hardship;
3. Whether the practical difficulties or undue hardship were caused by deliberate action by the owner;



4. Whether the variance will cause substantial detriment to the public good or substantially impair the intent and purpose of an adopted plan and the Code;
5. Whether the variance is in harmony with the purpose and intent of the Code and will injure the neighborhood or the general welfare; and,
6. Whether the variance is requested simply because it will make or save money for the applicant.

In this case, the BOA must also consider one additional factor related to the application for a use variance: Whether any of the permitted uses are practical, in light of the “unusual characteristic” identified under Factor 1, above.

Analysis of these factors does not weigh in favor of granting ALSAC a variance. It is undisputed that the topography of the area with the drainage channel is unusual and not caused by the applicant. ALSAC has the burden of proof and the burden of persuasion.¹⁷ To receive a variance, they must present “evidence sufficient to allow the Board of Adjustment to reach the conclusions set forth below.”¹⁸ ALSAC has not met its burden.

Practical difficulties or undue hardship; whether any of the permitted uses are practical.

ALSAC claims the drainage ditch on the property is an undue hardship that limits uses for the property. However, what ALSAC considers “blight,” and “unusable” is viewed as an asset by the community. Multiple community plans that involved extensive engagement with the community identified the preferred use of the property as preservation and enhancement of the open, green space, including the drainage channel. Thus there is at least one other use of the property that does not require changing the drainage canal, and therefore is not cost prohibitive or otherwise impractical. Additionally, ALSAC argues that it should be granted a variance because the uses that are allowed “would likely never be built on the site.” This conclusory statement is based on no data or other evidence and does not meet the standard for granting a variance – especially a variance that will profoundly alter the character of the neighborhood and that so dramatically departs from the current zoning, the spirit of the UDC, and the community’s vision for the property. ALSAC has not met its burden of proof; these standards are not met.

A variance will not be detrimental to the public good and will not substantially impair the intent and purpose of the adopted plan and the UDC. In response to this factor, ALSAC makes a conclusory statement that the proposed garage will not be detrimental to the public good and will not impair the intent and purpose of the adopted plan and the UDC. This is inaccurate. As discussed above, this project will harm the community by increasing traffic and air pollution and decreasing green space and safety. It will also potentially increase crime and drainage problems. It will negatively impact light, shadows and views for the properties around it. It decreases housing. It is inconsistent with the spirit and letter of the adopted plan and Code; and, it will forever alter the character of the neighborhood. ALSAC has not met its burden of proof; this standard is not met.

The requested variance will be in harmony with the purpose and intent of this Code and will not be injurious to the neighborhood or general welfare. ALSAC again makes a conclusory statement that the variance will be in harmony with the Code and will not be injurious. For reasons previously stated, the proposed variance is inconsistent with the Code and will be injurious to the neighborhood. ALSAC has not met its burden of proof; this standard is not met.



The variance is not requested simply to make or save money. Again, ALSAC makes conclusory statement to support its position without any proof. It is unclear why ALSAC prefers to locate the garage on the subject property rather than on its campus or in the Pinch District, where they are already expanding and parking was already a need, and where the garage could be accessed without crossing a major street – unless it is about money. Because the burden of proof and persuasion is on ALSAC to show that it meets the standards for receiving a variance, a conclusory statement without proof does not meet this standard.

The proposal is inconsistent with the Uptown Community Plan.

The UDC requires the BOA to consider Memphis 3.0 and other plans when deciding whether or not to grant a variance.¹⁹ The Uptown Community Plan involved extensive community engagement and contains a specific vision for the development of the property that is the subject of the ALSAC's proposal:

"...transform the storm water facility into an active park, integrate new residential uses, and facilitate adaptive reuse of existing buildings in order to provide a pedestrian activated environment that joins the Pinch District and the remainder of the Uptown area."²⁰

In furtherance of the community's vision to use the Bayou to increase the green space in the community, the Uptown Community Plan even recommends the commission of a concept design for the Gayoso Bayou Park that maintains storm water functionality and the acquisition of properties to implement plan for residential facing park space."²¹ Pages 40 through 43 of the Uptown Community Plan contain detailed recommendations and many photographs that depict different elements of the proposed development of the Bayou as well as examples of what a conversion of storm water system into a park could look like. Consistent with the UDC, the plan emphasizes the importance of human scale, residential development that is "pedestrian activated." It repeatedly identifies design elements that will increase pedestrian safety and walkability. It also contemplates how to handle parking for the transitional area along the northern edge of A.W. Willis, recommending structures "that can accommodate parking within their own footprint," rather than requiring additional and separate parking accommodations. Also consistent with the UDC, the Uptown Community Plan set forth a list of goals that include safety and green spaces and emphasize neighborhood revitalization.²²

ALSAC's proposal for a seven story parking garage is not only inconsistent with the vision for the property that is articulated in the Uptown Community Plan; the proposed development does the exact opposite of what the community is seeking. A seven story parking garage will destroy significant green space, make the area less pedestrian friendly, and will disconnect the neighborhood from the Pinch District rather than strengthen the connections to the Pinch and the core of Downtown.²³

The proposal is inconsistent with Memphis 3.0.

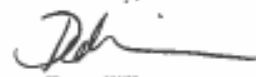
Memphis 3.0 is the Comprehensive Plan adopted by the City of Memphis in 2019. State law requires that all land use decisions be consistent with the plan.²⁴ Memphis 3.0 is organized around eight goals that "describe the future condition of the city."²⁵ ALSAC's proposal is inconsistent with most of the goals of Memphis 3.0.



pedestrian friendly neighborhoods, green spaces, neighborhood character, and community engagement. ALSAC's proposal is harmful to the neighborhood, doesn't meet the standards for a variance, and is in conflict with the zoning code, comprehensive plan, and neighborhood plan for the property in issue. Accordingly, we oppose the proposal and urge its rejection.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Dana Wilson

¹ The Memphis and Shelby County Unified Development Code, Article 9, Section 9.22, "Variance" (2010) (emphasis added).

² This development code is designed and enacted for the purpose of promoting the health, safety and welfare of the residents of the City of Memphis and Shelby County by lessening or preventing congestion in the public streets; securing safety from fire and other dangers; furthering the provision of adequate light and pure air; avoiding excessive concentrations of population and wasteful scattering of population; encouraging such distribution of population and such classification of land uses as will tend to facilitate and conserve adequate provisions for transportation, water supply, drainage, sanitation, educational opportunity, and recreation; protecting and promoting both urban and non-urban development; and preserving landmark buildings, objects and sites." The Memphis and Shelby County Unified Development Code, Article 1, Section 1.4, "Purpose and Authority" (2010).

³ Id.

⁴ Id.

⁵ "This development code is intended to accomplish the following:

A. Guide the future growth and development in the City and County.

B. Implements the planned growth and rural areas of the adopted Shelby County Growth Plan, consistent with Public Chapter 1101.

C. Protect the character, and the social and economic stability of all parts of the City of Memphis and the unincorporated area within Shelby County and to encourage the orderly and beneficial development thereof.

D. Prohibit uses, buildings or structures incompatible with the character of established districts.

E. Establish procedures necessary to implement and enforce the provisions of this development code.

F. Guide public and private policy, and action to provide adequate and efficient public facilities.

G. Consider the availability of public facilities and determine if there is sufficient capacity to serve current and future development.

H. Minimize the pollution of air and water, to safeguard the water table, to maintain the adequacy of drainage facilities, and to encourage the wise use and management of natural resources.

I. Encourage compliance with all applicable Americans with Disabilities Act Accessibility Guidelines.

J. Establish district regulations which encourage originality and flexibility in design to ensure that development is properly related to its site and to surrounding development patterns."



The Memphis and Shelby County Unified Development Code, Article 1, Section 1.5, "Intent" (2010).

⁶ Id.

⁷ Id.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ The Uptown Community Plan, pp. 40-43 (2018).

¹² FBI Crime Data Explorer, <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/crime-trend>

¹³ "... a review and/or study should be undertaken to understand if sanitary sewer overflows occur in the Gayoso Bayou. If sanitary sewer overflows do occur, a study should be undertaken to solve this problem." Uptown Community Plan, pp.4, 32 (2018).

¹⁴ "The recommended model for buildings more than one story in height consists of a building(s) with retail or restaurant uses on the ground floor and office and/or residential uses on the upper floors. In order to encourage pedestrian activity at certain key locations, a Neighborhood Center overlay is being applied within the Mixed-Use District in which the first floor of new development shall be used for retail, restaurants, office or service uses. The Memphis and Shelby County Unified Development Code, Article 7, Section 7.3.7, "Mixed Use District" at p. 308 (2010).

¹⁵ "These uses pose unique characteristics of scale and intensity, as well as demands upon community services and infrastructure. The Uptown Hospital District is designed to permit the development, expansion and modernization of these existing uses, while respecting the character and quality of life of the surrounding neighborhood." Memphis and Shelby County Unified Development Code, Article 7, Section 7.3.4 "Uptown Districts" at p. 304 (2010).

¹⁶ "It is *anticipated* that this park will consist of a walking trail, pedestrian access to the public sidewalk, and landscaping." ALSAC/St. Jude Board of Adjustment Application, September 28, 2021, p. 3 (emphasis added).

¹⁷ Memphis and Shelby County Unified Development Code, Article 9, Section 9.22 "Variance" (2010).

¹⁸ Id.

¹⁹ Memphis and Shelby County Unified Development Code, Article 1, Section 1.9 "Consistency with Memphis 3.0 and Other Plans to be Considered" (2010).

²⁰ The Uptown Community Plan at pp. 4, 42 (2018).

²¹ The Uptown Community Plan at p. 34 (2018).

²² The Uptown Community Plan at pp. 2-3 (2018).

²³ "The vision for the area north of the Pinch District is to transform the storm water facility into an active park, integrate new residential uses, and facilitate adaptive reuse of existing buildings in order to provide a pedestrian activated environment that joins the Pinch District and the remainder of the Uptown area." The Uptown Community Plan at pp. 4, 36 (2018) (emphasis added).

²⁴ T.C.A. § 13-4-202(B)(2)(B)(iii); "T.C.A. Section 13-4-202(B)(2)(B)(iii) states that, once the general plan is adopted by the Council, all land use decisions in the City shall thereafter be consistent with the plan." Memphis 3.0 at p. 72 (2019).

²⁵ Memphis 3.0 at p. 156 (2019).

²⁶ Id at p. 211 (2019).

5 December 2021

Carson Claybrook, Board of Adjustment
125 N. Main Street
Mail Room 476-477
Memphis, TN 38103

Dear Sir,

I am writing to voice my opposition to St. Jude's request to build a parking garage on the north side of AW Willis Avenue. While my wife and I donate monthly to St. Jude and very much appreciate and support their mission, St. Jude is being very disingenuous about the entire issue. I offer the following points for your consideration:

1. The parking garage is not in the 2018 Uptown Community Plan completed by the Community Redevelopment Agency.
2. The parking garage was not in St. Jude's Master Plan released in 2017.
3. Comparison of the parking garage's height to the church steeple and a portion of the Bridges building is ridiculous. The footprint of the steeple is extremely small and even the footprint of the portion of the Bridges' building that is more than two stories is small compared to the footprint of the parking garage. It is insulting to one's intelligence to make such comparisons.
4. The proposed block of land does not have to be developed as mentioned in the November Board of Adjustment meeting. That point should not be considered. Picnic tables and park benches will do.
5. Apparently, St. Jude claims they need 1640 parking spaces in their six-year strategic plan. Surely, they don't need all 1640 parking spaces in year one of their plan. They already have 600 parking spaces along AW Willis to take care of some of that requirement.
6. COVID-19 proved many who commuted could work from home. I can imagine that much of their support staff, IT, finance, fund raising, etc., could easily work from home and not require parking on site or work in another location not connected to the doctors, nurses and research scientists who must be close to the patients. Facilities for patient families could also be located some distance from the main facility as some are now.
7. Stating that the "new employees" are not able to commute to work by some sort of transportation (van/bus/train), i.e., ride a bus a short distance, is disingenuous.
8. Some folks in Memphis are crazy drivers. Assuming all of St. Jude's employees will follow a driving/parking plan is not smart thinking. An unbiased independent traffic study must be completed.
9. St. Jude is a billion-dollar organization! The neighborhood they wish to engulf is not. St. Jude has options. The neighborhood does not. It appears to me that St. Jude wants the easy way out instead of using their massive resources to produce a better plan. One that does not hurt their neighbors.

I suppose it is not your job to tell St. Jude how to run their business. However, I believe they have been so focused on the easy way out that they have not taken time to be create a better plan, one that does not harm their neighbors.

Now for the tough part. It is your job to vote on the variance request. I have mentioned but a few of the arguments for your consideration. There are more. Please vote no.

Sincerely,



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318-288-4271

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